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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,862	11/03/2003	Mark P. Lowell	77297.004003C	9353

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EXAMINER	
SAVIC, BORIS	
ART UNIT	**PAPER NUMBER**
3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

ED

Office Action Summary	Application No.	Applicant(s)	
	10/698,862	LOWELL ET AL.	
	Examiner	Art Unit	
	Boris Savic	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25 and 27-79* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25 and 27-79* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/4/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to applicant's amendment received on 8/22/2006.

Response to Amendment

It has been noted that claims 1, 2, 4, 27, 28, 30, 31, 53-56, and 58 have been amended. Claim 26 has been cancelled. Claims 3, 5-25, 29, 32-52, 57, and 59-79 are original.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 56 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Horan (US 6,220,596 B1).

Regarding claim 56, Horan discloses an apparatus for playing an enhanced game of bingo, comprising: (i) a random number generator that selects numbers at random from within a set of numbers associated with a bingo game, the set of numbers also corresponding to at least one bingo card having a plurality of numbered spaces arranged in a matrix of rows and columns, wherein the set of numbers is comprised of a plurality of subsets of numbers and each of the subsets is assigned to a column or row (see col. 5: ln 26-42); (ii) at least a first set of indicators (see B-I-N-G-O of Fig. 2-3 and the related description thereof); (iii) at least one configuration of at least one pattern of at least one numbers space on the bingo card, the configuration determining a winner of

the game (see col. 5: ln 26-42); and (iv) a selection means for determining the winner, wherein the selection means iteratively generates a random number using the random number generator matches the number to its corresponding numbered space, if present, on the bingo card, and if the column or row with which the random number is associated, and then generates additional numbers and matches them to corresponding numeric spaces on the bingo card until the game has ended (see col. 5: ln 26-42).

Regarding claim 57, Horan discloses a bingo game apparatus wherein each column or row is assigned a unique indicator (ie: B-I-N-G-O, see Figs. 2-3 and the related description thereof).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 53-54, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horan in view of Weiss (US 6,609,973 B1).

Regarding claims 1 and 53, Horan teaches a method of enhancing the play of a game of bingo comprising: (i) designating a set of potential numbers for the game (see col. 5: ln 35-42); (ii) designating a plurality of subsets of the potential numbers for the game (see col. 7: ln 12-33); (iii) associating each of the plurality of subsets with a bingo card column (see col. 7: ln 12-33); (iv) providing at least one bingo card to at least one player, the at least one bingo card including a plurality of spaces, the spaces being

arranged in a matrix of rows and columns wherein each of the spaces contains either a number from the subset of numbers associated with the column in which the space appears or a free space designator (ie: a bingo card) (see Fig. 2-3 and the related description thereof); (v) designating at least one pattern of spaces as determinative of a winner of the game (see col. 5: In 24-32); (vi) providing at least a first set of indicators (ie: relationship with B-I-N-G-O and the columns and rows); (vii) associating each of the first set of indicators with a win enhancement value and electing whether the first set of indicators should be associated with columns or rows on the at least one bingo card (see Figs. 2-3 and the related description thereof); (vii) associating at least one of the first set of indicators to at least one of the elected at one columns or rows (see Figs. 2-3 and the related description thereof); (ix) repeating the process of selecting numbers at random from the set of potential numbers for the game until the game ends (see col. 6: In 23-col. 8: In 18); (x) paying the at least one player if the at least one player has a bingo card with numbers matching those selected from the set of potential numbers and if the pattern formed by the matching numbers matches the at least one pattern designated as a winning pattern (see col. 6: In 25-col. 6: In 11); and (xi) paying the at least one player the win enhancement value if the at least one player has a bingo card With numbers matching those select from the set of potential numbers, and if the pattern formed is designated as a winning pattern (see col. 6: In 25-col. 6: In 11). Horan lacks disclosing paying, in addition to the win value, the at least one player the win enhancement value associated with the at least one of the first set of indicators if the at least one player has a bingo card with numbers matching those selected from the set of

potential numbers. Weiss teaches the preferred embodiment contemplates a winning outcome of five covered positions along the same row, column or diagonal of the matrix 21. Alternatively, a winning outcome could consist of covering the four corners of the playfield or of restricting winning combinations to covering positions in only a row or only a column. If a player acquires a winning outcome, the bonus amounts corresponding to each of the covered spaces in that winning outcome are added together, producing a total bonus value. This total bonus value is multiplied by the player's initial wager to determine the player's ultimate award due from the bonus game. Thus, for example, if the player initially wagers two units per payline, the award derived from the bonus game is multiplied by two. If the player has not produced a winning outcome on the matrix 21 by the end of the game, the player loses the initial wager and has the option to play the primary game again or to quit and cash out (see col. 3: ln 54-col. 4: ln 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of paying, in addition to the win value, the at least one player the win enhancement value to the Horan invention, because players would make more money this way and this would attract more people and bring them to the table.

Regarding claim 54, Horan discloses a bingo game that selects at least one number at random from each of the subsets to serve as a win enhancement activator and paying that least one player the win enhancement value only if the pattern formed by the matching numbers contains at least one win enhancement activator (ie: card matches a predetermined winning pattern and the numbers drawn by the RNG) (see col. 5: ln 26-42).

Regarding claim 58, Horan discloses an overlay to a bingo game, comprising: (i) designating at least one pattern of spaces on a bingo card as determinative of a winner of the game (see col. 5: ln 26-42); (ii) providing a first set of indicators (see B-1-N-G-O of Fig. 2-3 and the related description thereof); (iii) associating each of the first set of indicators with a win enhancement value (see B-1-N-G-O of Fig. 2-3 and the related description thereof); (iv) electing whether the first set of indicators should be associated with bingo card columns or bingo card rows (see Figs. 2-3and the related description thereof); (v) associating at least one of the first set of indicators with at least one of the elected columns or rows on the bingo card; (vi) repeating the process of selecting numbers at random from the set of numbers associated with the bingo game and advising at least one player for the selected numbers until the game ends (see col. 5: ln 26-42); (vii) paying the at least one player if the at least one player has a bingo card with numbers matching those selected from the set of potential numbers and if the pattern formed by the matching numbers matches the pattern designated as a winning pattern (see col. 6: ln 25-col. 7: ln 67); and (viii) paying the at least one player the win enhancement value if the at least one player has a bingo card with numbers matching those selected from the set of potential numbers, if the pattern formed by the matching numbers matches the pattern designated as a winning pattern, and if the pattern formed by the matching numbers contains at least one win enhancement activator number (see col. 7: ln 34-col. 8: ln 18). Horan lacks disclosing paying, in addition to the win value, the at least one player the win enhancement value if the at least one player has a bingo card with numbers matching those selected from the set of potential numbers. Weiss

teaches the preferred embodiment contemplates a winning outcome of five covered positions along the same row, column or diagonal of the matrix 21. Alternatively, a winning outcome could consist of covering the four corners of the playfield or of restricting winning combinations to covering positions in only a row or only a column. If a player acquires a winning outcome, the bonus amounts corresponding to each of the covered spaces in that winning outcome are added together, producing a total bonus value. This total bonus value is multiplied by the player's initial wager to determine the player's ultimate award due from the bonus game. Thus, for example, if the player initially wagers two units per payline, the award derived from the bonus game is multiplied by two. If the player has not produced a winning outcome on the matrix 21 by the end of the game, the player loses the initial wager and has the option to play the primary game again or to quit and cash out (see col. 3: ln 54-col. 4: ln 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of paying, in addition to the win value, the at least one player the win enhancement value to the Horan invention, because players would make more money this way and this would attract more people and bring them to the table.

Claims 2-25, 27-52, 55, and 59-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horan in view of Weiss and further in view of Weingardt (US 5,727,786 A).

Regarding claims 27, 29-31, and 55, Horan discloses a method of playing a game of bingo comprising: (i) designating a set of potential numbers for the game (see col. 5: ln 35-42); (ii) designating a plurality of subsets of the potential numbers for the

game (see col. 7." In 12-33); (iii) associating each of the plurality of subsets with at least one bingo card column; (iv) providing at least one bingo card to at least one player, the bingo card including a plurality of spaces, the spaces being arranged in a matrix of rows and columns wherein each of the spaces contains either a number from the subset of numbers associated with the column in which the space appears or a free Space indicator (see Fig. 2-3 and the related description thereof); (v) selecting at least one random from each of the subsets of the potential numbers for the game (see col. 7: In 12-22); (vi) designating at least one first pattern of spaces on a bingo card as determinative of a winner of the game, wherein the pattern includes at least a column of spaces on the bingo card (see col. 5: In 26-42); (x) repeating the process of selecting numbers at random from the set of potential numbers for the game Until the game ends (see col. 5: In 39-42); (xi) paying the at least one player if the at least one player has a bingo card with numbers matching those selected from the set of potential numbers, and if the pattern formed by the matching numbers matches the at least one first pattern designated as a winning pattern (see col. 6: In 23-col. 8: In 18); and (xii) paying a first bonus to the at least one player if the at least one player has a bingo card with numbers matching those selected from the set of potential numbers and if the pattern formed by the matching numbers matches the at least one first pattern designated as a winning pattern, wherein the value of the first bonus equals the win enhancement value associated with the column in which the win occurs (see col. 6: In 23-col. 8: In 18). However, Horan is silent with regard to incorporating a second attribute or color with the columns and determining the users win enhancement Value. In an analogous gaming

patent, Weingardt teaches the implementation of using colors to create subsets of numbers. Weingardt teaches the incorporation of colors in order to allow for different predetermined payouts depending on the odds of receiving a "red, "yellow", "blue" or "green" Bingo (See Abstract). Weingardt's Bingo method incorporates all attributes of conventional bingo but adds an additional association to the game card in order to allow for more variety and a chance for Users to win larger prizes for more rare occurrences of bingo combinations. Therefore, it would motivate one to implement the features taught in Weingardt to create a bingo game that delivers a more exciting experience for the user. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Weingardt with Horan to create a Bingo game that incorporates the row and column associations as part of the Bingo game. Additionally, Weingardt and Horan teach the claimed invention except that it is silent with regard to a diamond symbol number. However, Horan and Weingardt show the row and column association with the bingo card to determine different award prizes and indicate using a second attribute such as color in order to visually notify the user of the different winning event types. The diamond symbol number effectively does the equivalent feature but uses a different graphical art. Therefore, because these two features were art-recognized equivalents and only differ through a graphical design choice one of ordinary skill in the art would have found it obvious to substitute the use of color numbers with a diamond symbol number feature.

Also, Horan and Weingardt lack disclosing paying, in addition to the win value, a first bonus to the at least one player if the at least one player has a bingo card with

numbers matching those selected from the set of potential numbers. Weiss teaches the preferred embodiment contemplates a winning outcome of five covered positions along the same row, column or diagonal of the matrix 21. Alternatively, a winning outcome could consist of covering the four corners of the playfield or of restricting winning combinations to covering positions in only a row or only a column. If a player acquires a winning outcome, the bonus amounts corresponding to each of the covered spaces in that winning outcome are added together, producing a total bonus value. This total bonus value is multiplied by the player's initial wager to determine the player's ultimate award due from the bonus game. Thus, for example, if the player initially wagers two units per payline, the award derived from the bonus game is multiplied by two. If the player has not produced a winning outcome on the matrix 21 by the end of the game, the player loses the initial wager and has the option to play the primary game again or to quit and cash out (see col. 3: ln 54-col. 4: ln 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of paying, in addition to the win value, the at least one player the win enhancement value to the Horan and Weingardt invention, because players would make more money this way and this would attract more people and bring them to the table.

Regarding claims 2, 4 and 28, Weingardt teaches a bingo method selecting at least one number at random from each of the subsets to serve as a win enhancement activator and paying the at least one player the win enhancement value only if the pattern formed by the matching numbers contains at least one win enhancement activator (see col. 4: ln 50-col. 6: ln 3).

Regarding claims 3 and 59, Weingardt teaches a bingo method comprising: providing a second set of indicators (see 'second designated marking' of Fig. 8 and the related description thereof); associating each of the second set of indicators with a win enhancement value and associating at least one of the second set of indicators to the other of columns or rows (see col. 4: ln 50-col. 6: ln 3).

Regarding claims 5-6 and 60-61, Weingardt teaches wherein the first set of indicators includes colors (see abstract). Additionally the first set of indicators includes graphical images (ie: the numbers associated with the colors constitute graphical images).

Regarding claims 7-11, 32-37, and 62-66, Horan teaches a bingo card method wherein the pattern of spaces includes a pattern of contiguous spaces, vertical column of spaces, horizontal row of numbered spaces, diagonal pattern, or noncontiguous spaces on the bingo card (see col. 5: ln 26-42 and Figs. 2-3 and the related description thereof).

Regarding claims 12-15, 38-41, and 67-70, Horan teaches a bingo card method wherein the random numbers are generated by selecting a ball having a number printed on it from a plurality of balls and the card is maintained and displayed electronically by a card tending device (see 'Pick-N-Choose ", col. 3: ln 22-51, col. 5: ln 35-42). Additionally the number associated with the randomly selected ball is manually entered into the card tending device by the player and the bingo card is marked or daubed by the player interacting with the card tending device (see col. 6: ln 59-col. 7: ln 11, col. 4: ln 10-67).

Regarding claims 16, 42, and 71, Horan teaches a bingo method wherein the bingo card is maintained and displayed electronically by a card-tending device (see col. 3: ln 22-col. 4: ln 65).

Regarding claims 17, 43, and 72, Horan teaches a bingo method wherein the random numbers are generated by a computing device and communicated to the card-tending device (see col. 3: ln 22-col. 4: ln 65).

Regarding claims 18, 44, and 73, Horan teaches a win enhancement value that is a progressive prize (see col. 7: ln 1-11).

Regarding claims 19, 45, and 74, Horan teaches the progressive prize is incremented at an accelerated rate (see col. 3: ln 1-21, col. 6: ln 6-58).

Regarding claims 20-21, 46, and 75, Horan teaches the progressive prize is incremented to reflect live updating of the prize amount (see col. 3: ln 1-21, col. 6: ln 6-58).

Regarding claims 22-23, 47-52 and 76-77, Horan and Weingardt teach a method wherein the columns or rows to which the at least one first indicator is assigned contains a unique indicator (see Horan or "Free Space" of Fig. 2-3 and the related description thereof or "red", "blue ", "green ", "yellow" indicators of Weingardt).

Regarding claim 24 and 78, Horan teaches a method wherein the column closest to the middle of the matrix is assigned a unique indicator (see "Free Space '" of Fig. 2-3 and the related description thereof).

Regarding claims 25 and 79, Horan teaches a method wherein the row closest to the middle of the matrix is assigned a unique indicator (see "Free Space" of Fig. 2-3 and the related description thereof).

Response to Arguments

Applicant's remarks have been fully considered but they are deemed moot in view of the new grounds of rejection.

Applicants respectfully submit that Horan does not show or suggest "electing whether the first set of indicators should be associated with columns or rows on the at least one bingo card," or "associating at least one of the first set of indicators to at least one of the elected at one columns or rows." Examiner disagrees. Figures 2 and 3 of Horan clearly show that the numbers or indicators are associated with a certain column or row. It all depends where the number on the bingo card is located.

Applicants respectfully submit that Horan does not show or suggest "if the column or row with which the random number is associated is not matched to an indicator, selects an indicator at random and matches it to a column or row with which the random number is associated." Examiner disagrees. Horan states that an electronic random number generated ball drawing system is security activated to accomplish the card registration and ball drawing in every game (col. 5, lines 39-42). This means that if not matched, random number generator will select an indicator at random and match it to a column or row with which the random number is associated.

Applicants respectfully submit that Horan does not show or suggest that a unique "win enhancement activator associated with one of the matching numbers" found within

the wining pattern results in "paying, in addition to the win value, the at least one player the win enhancement value.". Examiner disagrees. Examiner states that Applicant should refer to the Office Action for the answer to the argument.

Applicants respectfully submit that Weingardt does not show or suggest "associating at least one of the first set of colors to at least one column." Examiner disagrees. Weingardt states that a total of between sixteen and thirty-five of the bingo numbers are predetermined to be the "red" numbers (col. 4: ln 61-col. 5: ln 8). Figure 1 of Weingardt show that if numbers 16 through 30 are red, that column would be red. This means that one of the colors would be associated with one of the columns.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mamell, II (US 5,393,057) - Electronic Gaming Apparatus and Method.

Hirsch et al. (US 6,599,188 B2) - Progressive Bingo.

Leake (US 5,624,119) - Multiple Variable Game Equipment and System for Generating Game Faces.

Tawil (US 5,951,396) - Apparatus and Method for real Time Monitoring and Registering of Bingo Game.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Savic whose telephone number is (571) 272-2849. The examiner can normally be reached on Monday - Friday, 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BS

BS

Ronald Laneau
Primary Examiner
4/16/07